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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,666	12/20/2000	Hiroyasu Yamamoto	Q62094	3947

7590 10/18/2006  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
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Washington, DC 20037

EXAMINER

LEE, CHEUKFAN

ART UNIT PAPER NUMBER

2625

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/739,666

Applicant(s)

YAMAMOTO, HIROYASU

Examiner

Cheukfan Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on an amendment filed May 1, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 15-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 25 is/are rejected.
- 7) ☒ Claim(s) 6-14 and 22-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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1. The withdrawal of claims 23 and 24 from consideration in the previous Office Action dated Nov. 2, 2005, is withdrawn. Claims 23 and 24 are examined along with elected claims 1-14 and 22 and also the newly added independent claim 25, which is also generic to both species I and II described in the requirement for election of species.

Therefore, claims 1-14 and 22-25 are present in the application for examination, claims 1, 6, 7, and 25 being generic.

2. The rejections and objection of claims 1, 6 and 7 under 35 U.S.C. 112, second paragraph, 35 U.S.C. first paragraph, and 37 C.F.R. §1.75 are withdrawn. The Examiner agrees with Applicant's remarks on page 10, second paragraph to the top of page 11.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 25 were/are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamzadeh et al. (U.S. Patent No. 5,504,583). The rejection stands for the reasons given below.

Regarding claim 1, Jamzadeh et al. discloses an image reading method in which a filmstrip (F) (film) having images recorded on a plurality of frames (i3, i4, i5, ... in) in

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the longitudinal direction is transported to read the images in the frames at an image reading position by an image reading apparatus. A low resolution scan, i.e., a prescan, is performed on all frames of the film (F) first, and then a high resolution is performed on all the frames of the film (F).

The filmstrip (F) is transported in a first direction (designated with an arrow in Fig. 2) along a read and transport path including the image reading position to perform the prescan (first image reading) for reading the images on the plurality of frames by the image reading device, then, the film (F) is transported along the read and transport path to perform the high resolution scan (second image reading) in which the images in the plurality of frames of the film (F) are read by the image reading device. Information obtained from the prescan includes frame position of the plurality of frames, the type of film (F), the conditions of each image frame, etc. These information are used for later use in subsequent scan and processing. See col. 6, lines 8-22, lines 46-55, col. 1, lines 35-55, and claim 3 at col. 7, lines 63-67.

With respect to the claimed step of returning a forward end of the film to the read and transport path on an entry or exit side of the read and transport path after the first image reading has finished, the limitation "an entry side" is selected in the "entry or exit side" limitation for the purpose of this rejection.

In Jamzadeh et al., the frames of the film (F) are scanned twice as explained above, i.e., a low resolution prescan and a high resolution scan. There is only one arrow showing one direction of the in which the film (F) is transported during both low-resolution prescan and the high resolution scan (Fig. 2). The Examiner's interpretation

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of the meaning of the arrow is that in both scans, the same first frame of the film (F) is transported first in the read and transport path. Though Jamzadeh et al. does not explicitly disclose returning the film (F) in the first direction (arrow pointing direction), one of ordinary skill in the art would have understood that the frames of the film (F) being read in the same order by the image reading device for both the prescan and high resolution scan, is one of at least one possible combination of film transport direction and frame-reading order of the prescan and high resolution scan (see below for response to Applicant's arguments with regard to the direction of film transport for the high resolution scan and sequence of frames in the high resolution scan).

Since Jamzadeh et al. provides the desirability of a degree of freedom in the order of frame processing for the high resolution scan (as stated by Applicant in the remarks filed July 28, 2005 and said to be maintained in the remarks filed May 1, 2006, see below), which inherently includes the order of frame processing from the first frame to the last frame of the film (F), the same order the frames are read in the prescan.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to choose the same order of frame processing for the high resolution scan by returning the forward end of the film (F) to the entry side of the read and transport path or Jamzadeh et al. so that the same first frame is read first in the high resolution scan in order to keep the positions of the frames the same as those in the prescan.

In response to Applicant's arguments presented in the remarks filed May 1, 2006, page 11, second paragraph, which maintained Applicant's position presented in the remarks filed July 28, 2005. However, the alternatives (of interpretations of Jamzadeh et al. with respect to film transport direction in both the first image reading and second image reading) given by Applicant are not disclosed by Jamzadeh et al. It is reminded that the rejection is a 103 rejection, not a 102 rejection. Further, with regard to the sequence of frames in the second reading, as discussed above, Applicant submitted "that Jamzadeh teaches the desirability of freedom in the order of frame processing" (page 10, third paragraph, in the remarks filed July 28, 2005), one of ordinary skill in the art would have realized that the order from the first frame to the last frame of the film (F) as ordered in the prescan (first image reading) of Jamzadeh et al. is not eliminated within the range of desirable orders of frame processing. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to choose that order from the first frame to the last frame of the film (F) for reading in the high resolution scan or second image reading.

With regard to Applicant's discussion of the reversing a drive motor to simplify the control mechanism suggested by the Examiner in the Examiner's response on page 10, section 10, of the previous Office Action dated Nov. 2, 2005 (see end of the paragraph), by "(as in reversing the drive motor to drive the transport mechanism in a reversed direction) in order to simplify the film transport mechanism control system", the Examiner meant that after the film (F) is transported past the reading device in the prescan of Jamzadeh et al., the forward end of the film is returned to the entry side by

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reversing the motor turning direction, during which reversal no image reading is performed and after which the forward end of the film is positioned at the entry side of the transport path, and then the high resolution is initiated.

Regarding claim 2, the prescan is at low resolution and the second scan is at high resolution as discussed above.

Regarding claims 3 and 4, see frame positions, reading conditions and processing conditions generated using the prescan low-resolution image data (col. 6, lines 8-22 and lines 46-55).

Regarding claim 5, the second scan of the film is a high resolution scan as discussed above.

New claim 25 is met by Jamzadeh et al. for the reasons given for claim 1, with the claim limitation of "b)" taken as the limitation for the purpose of this rejection. Please refer to the discussion for claim 1.

5. Claims 6-14 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, provided that the base claim and the intervening claims are amended to overcome the 112 rejections and the objection set forth in this Office Action.

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6. Applicant's reminder of the error in the statement for reasons for allowance for claim 8 is appreciated. The feature of the loop is claimed in claim 7. It was an inadvertent mistake that claim 8 was linked to the feature of the loop. Claims 7 and 8 would be allowable as indicated in this Office Action.

7. The following is an examiner's statement of reasons for allowance:

Claim 6 would be allowable because Jamzadeh et al. does not disclose that, after the first image reading or prescan has finished, the forward end of the film is held at a specified position and the film is temporarily reserved in a specified space as claimed.

Claim 7 would be allowable because Jamzadeh et al. does not disclose a loop-shaped transport path so that the forwarding end of the film is returned to the read and transport path, in combination with other limitations of claims 7 and 1.

Claim 8 would be allowable because Jamzadeh et al. does not disclose returning the forward end of the film to the read and transport path on the exit side of the read and transport path so that the film is transported in the second direction, opposite the first direction, to be subjected to the second image reading or high resolution scan. The forward end of the film is returned to the entry side of the transport path of Jamzadeh et al. as discussed for claim 1.

Claims 9-14 depend upon claim 8, directly or indirectly.



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Claim 22 would be allowable because Jamzadeh et al. does not disclose correcting the conditions and performing the second image reading (high resolution scan) in parallel, in combination with other limitations of claims 22 and 1.

Claim 23 would be allowable because Jamzadeh et al. does not disclose that the returning the forward end of the film comprises transporting the forward end through a path not containing the image reading position. Jamzadeh et al. does not show a path not containing the image reading position.

Claim 24 would be because Jamzadeh et al. does not disclose that the returning the forward end of the film comprises transporting the forward end on a path differing from a physical location of the read and transport path. Jamzadeh et al. does not show a path differing from a physical location of the read and transport path.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Applicant is reminded that a complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP§821.01.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cheukfan Lee  
October 13, 2006